

## REMARKS

The foregoing amendments and the following remarks are submitted in response to the communication dated August 23, 2005.

### *Status of the Claims and Claim Objections*

Claims 4, 5, 14-17 and 49 are pending in the application. Claims 4, 15 and 16 have been amended in order to more particularly point out and distinctly claim that which Applicants regard as the invention. Support for the amended claims and newly presented claim can be found generally through Applicants' Specification.

### *Claim Objections*

Claim 4, and its dependent claims 14 and 15, are objected to because claim 4 recited "DNA sequences of subpart (a)" and should recite "DNA sequence of subpart (a)". Applicants have above amended claim 4 (and also claim 16) to remove the plurality of DNA sequence[s] of subpart (a) and request that the Examiner withdraw this objection.

### *The 35 USC 112, First Paragraph, Objections*

The Examiner has again rejected Claims 15, 16 and 17 under 35 U.S.C. 112, first paragraph, written description, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the Application was filed, had possession of the claimed invention. This rejection is maintained to the extent that the rejected claims continue to recite that the claimed nucleic acid is elected from "DNA sequences capable of encoding the amino acid sequence encoded by the DNA sequences of subpart (a)" and thereby retain an apparent plurality that results in the rejection. Applicants have above amended rejected claim 16 to remove this plurality. Claim 15 is rejected as reading on a host cell within a transgenic animal, which he asserts is not described in the specification, and the Examiner requests that "isolated" be inserted before "transformed". Applicants argue that the skilled artisan could make and use transgenic animals expressing the alpha kinase of the invention, utilizing the sequence described and their own knowledge of the

art. Applicants have above, however, amended claim 15 to add the word “isolated”, without prejudice to future prosecution.

The Examiner has maintained his rejection of Claims 15, 16 and 17 under 35 U.S.C. 112, first paragraph, because the Examiner asserts that the Specification, while being enabling for a host cell transformed with a DNA molecule comprising SEQ ID NO: 34, does not reasonably provide enablement for any nucleic acid encoding a mammalian alpha kinase and capable of encoding an nucleic acid of the DNA sequences of the DNA sequence of SEQ ID NO: 34. The apparent plurality of the DNA sequences results in the maintenance of this rejection. Applicants have above amended claims 4 and 16 to remove this plurality. Claim 15 is further maintained in this enablement rejection as reading on a host cell within a transgenic animal and the Examiner requests that the word “isolated” be added. Applicants again assert that the skilled artisan could make and use transgenic animals expressing the alpha kinase of the invention, utilizing the enabling description in the specification of the sequence and their own knowledge of the art. Applicants have above, however, amended claim 15 to add the word “isolated”, without prejudice to future prosecution.

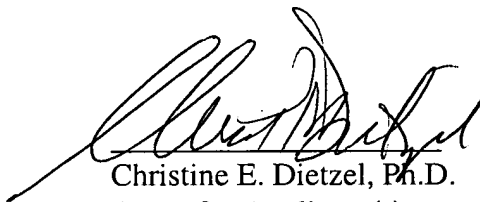
In view of the foregoing amendments and remarks, Applicants submit that the Examiner’s rejections under 35 U.S.C. 112, first paragraph, may properly be withdrawn.

### CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks in the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and reconsideration and withdrawal of all of the outstanding rejections is therefore believed in order. Should the Examiner feel that further issues remain upon a review of this response, he is invited to call the undersigned at the number listed below to effect their resolution. Early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

KLAUBER & JACKSON

A handwritten signature in black ink, appearing to read 'Christine E. Dietzel', is written over the printed name.

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